

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
MEETING MINUTES**

September 28, 2011

1. CALL TO ORDER

Chair Johnson called the meeting to order at approximately 10:00 a.m. at Division of the State Architect / Sacramento Regional Office, 1102 Q Street, Fifth Floor, Room B, Sacramento, California.

ROLL CALL

Secretary Jemmott took the roll.

Commissioners Present:

Margaret Johnson, Chair
Rocky Burks
Connie Conway
Anthony Seferian
Howard "Chip" Smith, Jr.

**Commissioners Present Via
Videoconference – Los Angeles**

Richard Luehrs
Lillibeth Navarro
Mitchell Pomerantz
Betty Wilson

Commissioners Absent:

Michael Dean
Mark Martinez
Pierce Welch

Also Present:

Dawn Anderson, As It Stands
Kurt Cooknic, American Institute of Architects,
California Council
Michael Nearman, California Building Standards
Commission
Dave Peters, Lawyers Against Lawsuit Abuse (via
telephone)
Mark Smith, Attorney (via telephone)
Bill Zellmer, Stafford King Wiese Architects

Commissioner Burks noted that Senate and Assembly members of the Commission are not actually voting members. Because five out of nine voting members of the

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Commissioners were present, Chair Johnson announced that the meeting had achieved a quorum. *[Commissioners Seferian, Luehrs, Conway, and Smith arrived shortly.]*

PLEDGE OF ALLEGIANCE

Chair Johnson led the Commission in the Pledge of Allegiance.

2. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

There were no public comments.

3. GENERAL BUSINESS ITEMS

a. Review/Approval of Meeting Minutes

MOTION: Commissioner Wilson moved to approve the February 10, 2011 Meeting Minutes. Commissioner Burks seconded. Motion carried unanimously.

MOTION: Commissioner Burks moved to approve the May 16, 2011 Meeting Minutes. Commissioner Navarro seconded. Motion carried unanimously.

b. CCDA "By-Laws"

Commissioner Burks stated that at the August 19, 2011 full Commission meeting, one change was recommended to Item 6.3:

Following the sentence, "The CCDA officers and Executive Director shall be informed of any subcommittee being created as well as the respective appointees." – a sentence shall be inserted: "No appointee shall serve without the concurrence of the CCDA Chair."

Regarding Section 5.1, Commissioner Pomerantz felt that having six or seven out of the nine voting members of the Commission to be part of the Executive Committee would be unwieldy, and make it difficult to achieve a quorum at committee meetings.

Mr. Dave Peters, Lawyers Against Lawsuit Abuse, stated that he had not received the proposed changes circulated with the meeting notice, and he had a concern about the wording he had heard. Rather than having the Chair being able to disapprove a particular proposed committee member, it would be better if that was a decision of the Executive Committee or the Commission. Without such a safeguard, a future Chair could potentially prevent representation of a broad spectrum of viewpoints among committee members.

Commissioner Navarro remarked that the suggestion would facilitate democratization of the process.

Chair Johnson suggested approval of the bylaws as they were, so the Commission could have them to operate on. Once the Executive Committee has been formed again, they can add the bylaws as an agenda item. The bylaws can be revised at the next Commission after Commissioners have had a chance to explore the concerns.

Commissioner Burks pointed out that under Amendment 9.1, the bylaws can certainly be amended by majority vote. He expressed frustration that the bylaws have been available

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for review since October of last year and now could be held up. This was the first time the issue of appointments had been brought up. Commissioner Burks wanted to see the bylaws moved forward for the Commission; Commissioner Navarro agreed.

Mr. Peters stated that the issue had just been orally raised for the first time at the previous meeting. Members of the public had not received the bylaw reflecting the highlighted amendment. He suggested passing the bylaws without the proposed amendment.

Commissioner Burks agreed, based upon the protocols of proper notification. He made an amended motion that the Commission adopt the bylaws as submitted as of August 19, 2011; and bring the additional sentence for Item 6.3 back at the next Commission meeting.

MOTION: Commissioner Burks moved to approve the bylaws as of August 19, 2011. Commissioner Navarro seconded. Motion carried by a vote of five ayes and one nay.

4. COMMITTEES

a. Committee Membership – Appointment of Committee Chairs and Members

Chair Johnson proceeded to appoint committee members and identify the chairs, as given below. The information would be posted on the website.

- **Executive Committee:** Chair Johnson, Commissioners Luehrs, Navarro, Burks, and Dean, and Ms. Collins.
- **Checklist Committee:** Commissioners Luehrs (Chair), Pomerantz, and Wilson, and Building Standards Commission staff Michael Nearman.
- **Access Enhancement Committee:** Commissioners Navarro (Chair), Martinez, and Burks.
- **CASP and Education Committee:** Commissioners Burks (Chair), Smith, and Martinez.
- **Civil Enforcement Committee:** Commissioners Dean (Chair), Pomerantz, and Seferian.

Chair Johnson requested the committees to meet as soon as possible and to provide a report on tasks and timelines by mid-December. She reminded the group that all committee meetings must comply with the Bagley-Keene Open Meeting Act.

Commissioner Pomerantz inquired as to whether the Los Angeles facility would be available for committee meetings; Commissioner Burks replied that they would. Commissioner Burks then requested sufficient notice and coordination to determine availability of the conference room, so that flight arrangements could be made if necessary.

Chair Johnson noted that according to the newly-passed bylaws, the committee chairs may select subcommittees and appoint other people, either from the public or from the Commission, to the subcommittees. She recommended for committee chairs to develop a process for determining people's qualifications. Commissioner Burks suggested that

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chairs could jump start their committee structures by looking at prior membership potentially to become current membership.

Commissioner Wilson recommended providing sufficient signage in the building and parking lot of the Los Angeles facility.

Public Comment

- Ms. Dawn Anderson stated that she had served on the Checklist Committee previously and would like to be reappointed to a committee. She asked to whom to send a letter and resume; Chair Johnson replied that it would be Executive Director Vitale, who would forward them on to the appropriate committee chair.
- Mr. Bill Zellmer of SKW Architects offered his willingness to become involved. He would bring experience as a practicing architect and a former OSHPD code writer. Chair Johnson requested for him to send a resume and brief letter to Executive Director Vitale.

5. FUTURE AGENDA ITEMS

Commissioner Wilson suggested for all Commissioners to be supplied with either identification cards or business cards.

In response to a question from Commissioner Burks, Chair Johnson said that she had asked Executive Director Vitale and his staff to look for possible quarterly meeting dates for the Commission starting in January. She had asked for January and July meetings to be held in Northern California, and for April and October meetings to be held in Southern California. These meetings wouldn't be done by videoconference – the Commissioners would travel.

Commissioner Burks stated that with the assistance of the Division of the State Architect (DSA), they had already gotten some data regarding the CASP program. He suggested coming to the next meeting and, after having worked with Commissioner Smith, giving a fairly comprehensive report on the status of the CASP program.

Ms. Anderson asked the Commission to consider inviting DSA to give an outline on the next amendments that may be coming to the Chapter 11 of the Title 24, Volume 1 Building Codes.

Ms. Anderson also suggested touching on the transition plans, accessibility programs, and accessibility coordinators of other state departments, perhaps at the end of the year. This could show how CCDA has progressed with that goal.

Another suggestion of Ms. Anderson's was for the Commission to provide its position on the new guidelines coming out by the Access Board for the public right-of-way. There are also some exciting new guidelines coming out that in some cases apply to private property as well, for which the Commission could provide its position.

Commissioner Burks responded that the public comment period extends through November 15 for the federal recommendations to accessibility compliance requirements under the ADA amendments – that wouldn't give the Commission much time to develop a position. However, it would be viable for members of representative organizations to provide the CCDA with courtesy understanding of their concerns.

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Commissioner Pomerantz proposed having a presentation regarding the workings of the code cycle.

Commissioner Pomerantz stated that the Environmental Access Committee of the American Council of the Blind (ACB), of which he is President, is preparing comprehensive comments primarily on those portions of the Public Rights of Way (PROW) Act that affect blind and visually-impaired persons. He offered to provide copies for Chair Johnson and Executive Director Vitale of the ACB submittal to the Access Board.

Ms. Anderson suggested having an update from the Attorney General or another office that has status on litigation and how that is progressing. There are a lot of local jurisdictions putting up new statutes that may or may not be in conflict with the federal and state laws.

6. ADJOURNMENT

Chair Johnson adjourned the meeting at 10:55 a.m.